

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Best
5 Candidate for the Job Act.

6 Section 5. Purpose. This Act is intended to ensure that
7 public agencies and private employers properly consider
8 persons previously convicted of one or more criminal offenses
9 for employment and licenses.

10 Section 10. Definitions. For the purposes of this Act, the
11 following terms shall have the following meanings:

12 "Direct relationship" means that the nature of criminal
13 conduct for which the person was convicted has a direct bearing
14 on his or her fitness or ability to perform one or more of the
15 duties or responsibilities necessarily related to the license,
16 opportunity, or job in question.

17 "Employment" means any occupation, vocation, or
18 employment, or any form of vocational or educational training.
19 "Employment" does not, for the purposes of this Act, however,
20 include membership in any law enforcement agency.

21 "License" means any certificate, license, permit, or grant
22 of permission required by the laws of this State, its political

1 subdivisions or instrumentalities as a condition for the lawful
2 practice of any occupation, employment, trade, vocation,
3 business, or profession.

4 "Private employer" means any person, company, corporation,
5 labor organization, or association that employs one or more
6 persons.

7 "Public agency" means the State or any local subdivision
8 thereof, or any State or local department, agency, board or
9 commission.

10 Section 15. Applicability. This Act applies to any person
11 who applies for a license or employment at any public or
12 private employer or who is currently employed or in possession
13 of a license who has previously been convicted of one or more
14 criminal offenses in any jurisdiction or whose conviction of
15 one or more criminal offenses in any jurisdiction preceded such
16 employment or granting of a license, except when a mandatory
17 forfeiture, disability, or bar to employment is imposed by law
18 and has not been removed by an executive pardon, certificate of
19 relief from disabilities, or certificate of good conduct.
20 Nothing in this Act shall be construed to affect any right an
21 employer may have with respect to an intentional
22 misrepresentation in connection with an application for
23 employment made by a prospective employee or previously made by
24 a current employee.

1 Section 20. Discrimination against persons previously
2 convicted of one or more criminal offenses prohibited. No
3 application for any license or employment and no employment or
4 license held by an individual, to which the provisions of this
5 Act are applicable, shall be denied or acted upon adversely by
6 reason of the individual's having been previously convicted of
7 one or more criminal offenses or by reason of a finding of lack
8 of "good moral character" when such finding is based upon the
9 fact that the individual has previously been convicted of one
10 or more criminal offenses, unless, after carefully considering
11 the factors specified in Section 25, the employer or licensing
12 agency determines that:

13 (1) there is a direct relationship between one or more
14 of the previous criminal offenses and the specific license
15 or employment sought or held by the individual; and

16 (2) the issuance or continuation of the license or the
17 granting or continuation of the employment would involve a
18 substantial risk to property or to the safety or welfare of
19 specific individuals or the general public.

20 Section 25. Factors to be considered concerning a previous
21 criminal conviction.

22 (a) In making a determination pursuant to Section 20, the
23 public agency or private employer shall consider the following
24 factors:

25 (1) The public policy of this State to encourage the

1 licensure and employment of persons previously convicted
2 of one or more criminal offenses.

3 (2) The specific duties and responsibilities
4 necessarily related to the license or employment sought or
5 held by the person.

6 (3) The bearing, if any, the criminal offense or
7 offenses for which the person was previously convicted will
8 have on his or her fitness or ability to perform one or
9 more of the duties or responsibilities necessarily related
10 to the license, job, or opportunity in question.

11 (4) Any evidence demonstrating the ability of the
12 applicant or employee to perform the responsibilities of
13 the license, job, or opportunity in question.

14 (5) The time that has elapsed since the occurrence of
15 the criminal offense or offenses.

16 (6) The age of the person at the time of occurrence of
17 the criminal offense or offenses.

18 (7) The seriousness of the offense or offenses.

19 (8) The circumstances surrounding the offense or
20 offenses.

21 (9) Any information produced by the person, or produced
22 on the person's behalf, in regard to the person's
23 rehabilitation and good conduct.

24 (10) The legitimate interest of the public agency or
25 private employer in protecting property, and the safety and
26 welfare of specific individuals or the general public.

1 (b) In making a determination pursuant to Section 20, the
2 public agency or private employer shall also give consideration
3 to a certificate of relief from disabilities or a certificate
4 of good conduct issued to the applicant, which certificate
5 shall create a presumption of rehabilitation in regard to the
6 offense or offenses specified therein.

7 Section 35. Retaliatory or discriminatory acts. A person
8 shall not retaliate or discriminate against a person because
9 the person has done or was about to do any of the following:

10 (1) File a complaint under this Act.

11 (2) Testify, assist, or participate in an
12 investigation, proceeding, or action concerning a
13 violation of this Act.

14 (3) Oppose a violation of this Act.

15 Section 40. Waiver. An employer shall not require an
16 applicant or employee to waive any right under this Act. An
17 agreement by an applicant or employee to waive any right under
18 this Act is invalid and unenforceable.

19 Section 45. Remedies.

20 (a) A person who is injured by a violation of this Act may
21 bring a civil action in circuit court to obtain injunctive
22 relief or damages, or both.

23 (b) The court shall award costs, reasonable litigation

1 expenses, and reasonable attorney's fees to a person who
2 prevails as a plaintiff in an action authorized under
3 subsection (a) of this Section.